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## AUSTRALASIAN METHODS OF DEALING WITH IMMIGRATION

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From the first the Anglo-Saxon colonies of Australia and New Zealand have regarded the immigration problem as one of the most important that could engage the attention of their statesmen, affecting most vitally the public health and morals, the wage level and conditions of labor, freedom and civic life—determining, in fact, the quality of the materials used in the construction of their institutions and civilization.

Until well toward the middle of the last century, England looked upon her colonies as convenient dumping grounds for social refuse; receptacles for criminals and paupers. Later, the influx of colored aliens, yellow, brown and black, coming spontaneously or brought in by capitalists, became a matter of serious moment. Swarms of Chinese and masses of black Melanesian laborers, called Kanakas, picked up in the islands of the Western Pacific and taken to work on the sugar plantations of Queensland, carried with them a deplorable deterioration of the labor level and constituted a dangerous breach of social homogeneity and strength. The colonies needed immigrants to develop their resources, but such immigrants were worse than none. It was felt that the development of civic and social life on a high plane was more important than the working of mines, plantations and factories with cheap labor, or any other question of wealth production, and that immigrants unfit for free institutions and high civilization must be rejected, no matter how great the need for labor might be.

From these facts and this feeling, three strong movements resulted: First, an agitation that aroused enlightened public sentiment in England and put an end to the dumping of convicts and social rubbish in the Australasian colonies; second, the adoption by colonizing companies and the colonial governments of various plans of *scientific colonization* under which immigrants were carefully selected

for their fitness in character and industrial power and then assisted by free passage from Great Britain, or part payment of the passage money; third, the enactment by the Colonial Governments of a series of vigorous measures for the exclusion of undesirables, especially Asiatics and blacks.

The situation has greatly changed in the last half century, both as to the encouragement and the discouragement of immigration.

The convict problem in its early form has long since passed away. The children of deported convicts, for the most part, grew up to be reasonably good citizens. The badness was not in the blood, but a product of the social environment of the old world. Put a man in a glove-fitting tenement without air or sunlight, subject him to vicarious perspiration for ten, twelve or fourteen hours a day, making him sweat for the bread he eats and also for that which the leisured landlords eat, surround him with saloons and brothels, criminals and paupers, and pay him so little he cannot support a family decently nor hope to rise much in the world, and you prepare him and his children to graduate into the criminal class, or be easily forced into it under pressure of extraordinary want from illness or other special misfortune. Such human nature, lifted from the mire and carried to the open country often redeems itself. Away from the slums and other accompaniments of "civilization," close to mother earth with a chance to make a good living from the soil, in a country where stealing and hanging are near relations, the predatory and destructive instincts give way to creative and constructive activities and manhood conquers the beast. A perception of this civilizing effect of roominess, many miles of nature per capita, plenty of land, fresh air and sunlight for all, must be recognized as a rational element in what may be called the "criminal philosophy" of the early years, though it was a far less potent element than England's wish to rid herself of the noxious by-products of her civilization as easily as possible by sending her social sewage out to sea.

The early settlements in South Australia and throughout three-fourths of New Zealand were made by companies aiming at scientific colonization, and for many years all the colonial governments systematically gathered in selected immigrants. But as the colonies filled up, one after another ceased to offer free or part-paid passage, till now assisted immigration has been discontinued except in

Queensland and Western Australia. The latter confines its help to extraordinary cases, but the Queensland service is still of much value to persons who have been for six months or more in that colony, and who wish to bring out their relatives and friends from the old country. Such relatives or friends, nominated for assisted passage, must be of good character, must not have been convicted of crime, must be free from mutilation, deformity, bodily or mental defect, disease calculated to shorten life or impair physical or mental energy, and must have been vaccinated. If these conditions are fulfilled and the nominee is not over forty-five, a Government certificate for transportation will be issued on payment of from two pounds (£2) to eight pounds sterling (£8), according to age and sex. The full steerage rate is somewhat over thirteen pounds, so that the State assistance is a very material help in the transfer of a family.

The chief concern of the later decades and one that is as vital now as ever, is the exclusion of Asiatics and other undesirables who come by contract or of their own motion. The colonies have fought this sort of immigration by entrance fees and fines, limitation of the number of passengers to a given tonnage, educational tests and absolute prohibition. As soon as the colonies received the right of self-government, the work of exclusion began and has continued ever since with accumulating vigor. The Yankees of the South Pacific are determined to prevent race fissures, babel cities and debased admixtures in their commonwealth. They will not pollute the stream of life in the new world with the refuse of the old, nor dilute their civilization with inferior stock, nor lower the standard of comfort with low-grade labor, nor imperil their freedom and progress by the influx of immigrants unfit for self-government. They welcome immigration adapted to democratic institutions and 20th century civilization, but will not receive adulterated goods.

The exclusion laws are aimed chiefly at Chinese immigration, which is intensely obnoxious to all the Anglo-Saxon colonies of Australasia. The undesirable immigration from England was hard enough to deal with, but it presented no such tremendous and ineradicable difficulties as an invasion by masses of low-grade workers of a different race, impossible to assimilate, hopelessly alien in language, interests, ideals, morals and religion, tainted with the vices of

a degraded standard of life and inherently adapted to despotism rather than democracy.

The Chinese have no idea of becoming part of the community. They go to the colonies to earn a little money as small shopkeepers, servants, factory workers, etc., and then return to China. They do not bring their women. Out of 14,000 living in New South Wales in 1891, only 60 were women. The New Zealand Year Book for 1903 gives the number of Chinese in that colony as 2,792, of whom 31 are females. These immigrants have no family responsibilities, no social interests, no capital, no knowledge of English. They live in hovels and scorn sanitation. They are unclean, conceal contagious diseases from the authorities, and are a menace to the public health. They can live on next to nothing and save money on wages that would not support a white man and his family even at the slum level. They have no conception of free government and civic responsibilities.

As early as 1848 there were Chinese shepherds in Queensland, but the first important influx into Australia occurred a few years later during the rush to the gold mines of Victoria. The whites quickly took the alarm and for fifty years have been practically a unit on the policy of keeping out the yellow race. In 1855 the new-born Victorian State enacted that no ship should bring more than one Chinese to each 10 tons of its tonnage, and that a shipmaster must deposit £10 with the collector of customs for each Chinaman he brought. A similar law was passed by South Australia in 1857, and by New South Wales in 1861. Queensland began, or tried to begin, by imposing a special license fee on the Chinese working in the gold fields. But the English Colonial Office, though it had permitted the Victorian legislation and its copies, vetoed this Queensland bill and in a despatch to the Governor of the Colony, March 1877, laid down the principle that "exceptional legislation calculated to exclude from any part of Her Majesty's dominions the subjects of a State at peace with Her Majesty is highly objectionable." Queensland, however, evaded the rule by adopting an act similar to the Victorian law previously sanctioned by the Home Office, lowering the financial bar a little but encouraging good conduct and quick departure by providing that, if the immigrant left within three years without breaking the criminal law or receiving charitable aid, his £10 should be returned to him. This act England allowed to become law.

These laws were fairly effective. The incoming tide was checked and the outgo led to a rapid diminution of the Chinese population of the colonies. Victoria, for example, had about 42,000 Chinese in 1859, while in 1863 there were only 20,000 left. Public fear subsided and the exclusion law was repealed after being eight years in force. New South Wales also repealed her exclusion act after using it six years. From 1867 to 1881 the Chinese could go and come pretty much as they pleased outside of Queensland and South Australia.

But the yellow tide rose again in 1880 and '81 and in the latter year exclusion laws more drastic than those above mentioned were passed by New South Wales, Victoria, South Australia and New Zealand. The four acts were much alike,<sup>1</sup> the essence of them being that every Chinaman must pay an arrival tax of £10, and that only one could come for each 100 tons of tonnage in any ship. South Australia provided in addition that the Chinese immigrant must have been vaccinated.

Queensland left her Chinese tax at £10 and her tonnage ratio at 1 to 10 tons until 1884, when she found it necessary to raise the bars as the Chinese were jumping over the old fence in uncomfortable numbers. The arrival tax was lifted to £30 (about \$150) absolute, payment not to be refunded on leaving the colony, and the proportion of Chinese immigrants was not to be more than one to 50 tons.

After this there was a lull until 1888. Then it was learned that nearly 4,500 Chinese had entered New South Wales in the previous twelve months. They were pouring into other colonies also. There was a panic. Henry Parkes, Prime Minister of New South Wales, telegraphed to England urging the Imperial Government to negotiate a treaty with China similar to that which had just been secured by the United States, but before diplomacy could be tried an emergency arose which drove the Colonial Governments to drastic measures for their immediate defense.

The emergency was brought by the steamer *Afghan*, which reached Port Philip in April, 1888, with 264 Chinese on board—250 more than her tonnage entitled her to bring under the Victorian law of 1881. Some of the Chinese passengers claimed to be naturalized British subjects and showed naturalization papers. These were alleged to be fraudulent and the collector of customs refused to allow

<sup>1</sup> Tasmania followed with a similar law in 1887.

any of the Chinamen to land. The *Afghan* then went to Sidney and there, with three other steamers carrying Chinamen, met a similar refusal. Parkes induced the House to suspend the standing orders and, in a few hours, passed a strong exclusion bill. The Senate rejected the measure. The Chinese, meanwhile, appealed to the Supreme Court and it held that those who were British subjects, or had previously lived in New South Wales, could land. The rest had to go away. About a hundred of them were somehow landed in New Zealand, which led to a brilliant executive order, erecting a medical wall against the Chinese by declaring the Far East and the Malay Archipelago to be *infected* countries. This gave the authorities power to detain in quarantine all ships coming from those regions. No use was made of this device however, as the drastic laws adopted by the Colonies soon after the *Afghan* incident made it unnecessary to resort to such medicinal inventions.

An inter-colonial conference discussed the situation in June, 1888, and passed resolutions urging further restriction of Chinese immigration by diplomatic action of the Imperial Government and by uniform colonial laws. It was recommended that Chinese passengers in any ship should not exceed 1 to each 500 tons; and that it should be made a misdemeanor for a Chinaman to go from one colony to another.

New South Wales was the first to act. With public opinion behind him, Parkes pushed through another exclusion bill, which became law in July, 1888, a few weeks after the conference. It raised the arrival tax from £10 to £100 and the tonnage per Chinaman from 100 tons to 300 tons. British subjects were exempted from the act but no Chinese alien could thereafter be naturalized. The penalty for breach of the law might be as high as £500. The act was assented to by the Home Office in spite of its scruples about legislation against specific nationalities, and the new law proved its effectiveness at once. In 1887 New South Wales had 4,436 Chinese arrivals; in 1889, the number fell to 9; and ten years later only 5 Chinese aliens entered the colony.

Victoria passed a law in 1888 limiting Chinese passengers to 1 for every 500 tons as suggested by the inter-colonial conference. The arrival tax was abolished, but a Chinaman entering Victoria by land without the Governor's permission must pay not less than £5, nor

more than £20. This law has not proved as effective as the statute of New South Wales.

New Zealand raised the tonnage to 100 tons per Chinaman, but left the arrival tax at £10 for almost another decade. In 1896, after a struggle with the Senate, or Legislative Council, as it is called, the Seddon Government succeeded in raising the entrance fee to £100. From this it would appear that civilization comes high to a Chinaman. It is the penalty he pays for being born in bad company.

These laws so far discouraged Chinese immigration that the census of 1891 showed but 42,521 Chinese in all the seven colonies, or only about as many as were in Victoria alone in 1860.

We come now to a decided change of method in colonial immigration laws. The laws we have now to study are not specific anti-Chinese acts, but provisions against low-grade immigrants in general. This alteration of method was due partly to the change of the Chinese stream from an invasion to an outgo, together with the fact that other inferior peoples were beginning to come in numbers sufficient to cause uneasiness, and partly to the definite policy established by Joseph Chamberlain as head of the Colonial Office that, for the future, exclusion laws must not be aimed specifically at the people of any nationality but at undesirable persons generally. The Natal law of 1897 followed his suggestion, and has since been copied, more or less completely, by the Australasian colonies. It excludes: (1) Any person who fails to write in some European language an application for admission; (2) A pauper or person likely to become a public charge; (3) An idiot or lunatic; (4) One having a loathsome or contagious disease; (5) One convicted within two years of a serious non-political offense; (6) A prostitute or person living on the earnings of prostitution. The New Zealand law (1899) omits the second and last, and stipulates that the writing test shall not be applied to persons of British birth. Tasmania (1898) omitted the sixth clause. New South Wales (1898) struck out five of the six clauses, leaving only the first. West Australia (1897) enacted all six clauses, improving on the first by *requiring immigrants to write fifty words in English taken from some British author*, a method that allows a better test than the mere writing of a stereotyped application form, using the same set of words each time which might therefore be mastered by very ignorant applicants.



On January first, 1901, the Australian Commonwealth came into being and in the enumeration of powers in the Constitution, the Federal Parliament was given authority to legislate with respect to "the influx of criminals; immigration, emigration," etc.

Early in the first Federal session, the Commonwealth Premier, Mr. Barton, took up the exclusion question and a Federal law was enacted in October, 1901, modeled after the Natalian act and repealing the State acts on the same model.

The main points of the act are: (1) a provision for a writing test of fifty words dictated to and written by the immigrant in some European language directed by the customs officer; and (2) a clause prohibiting the importation of "persons under a contract or agreement to perform manual labor within the Commonwealth," except "workmen exempted by the Minister for special skill," and crews of vessels engaged in the coasting trade, the agreed wages not being below the rates ruling in the Commonwealth.

In addition to contract laborers and persons who fail to stand the European writing test, the class of "prohibited immigrants" includes:

(3) "Anyone likely to become a charge upon the public or upon any public or charitable institution;"

(4) "Any idiot or insane person;"

(5) "Any person suffering from an infectious or contagious disease of a loathsome or dangerous character;"

(6) "Any person who has within three years been convicted of an offense, not being a mere political offense, and has been sentenced therefor, and has not received a pardon;"

(7) "Any prostitute or person living on the prostitution of others;"

Ambassadors or others accredited to the Commonwealth or sent on any special mission by their Government; the King's regular land and naval forces; the crew of any public vessel of any Government; the wife of a man who is not prohibited and the children under eighteen of a person not prohibited; and persons who were formerly domiciled in Australia, are exempt from the prohibitions of the act. The Minister for External Affairs may give to anyone he sees fit a certificate of exemption for a limited period, subject to cancellation by order of the Minister at any time. The crew of any vessel may land while the ship is in a Commonwealth port, going out with the ship when it leaves the harbor.

In his speech upon the bill, Premier Barton said that the selection of the language for the writing test would not be arbitrary and that the test would not be applied at all to persons who were manifestly desirable citizens. This would seem to place a large discretion in the customs officers. The law provides,

however, that any immigrant may be subjected to the writing test at any time within a year, and if he fails under it, he shall be deemed a prohibited immigrant. A person who fails in the writing test may, in the discretion of the officer, be allowed to enter or remain in the Commonwealth on deposit of £100, subject to refunding, if within thirty days he obtains a certificate of exemption from the Minister, or leaves the country. If he does neither, the deposit may be forfeited and he may be treated as a prohibited immigrant.

Violation of the act subjects the prohibited immigrant to risk of six months' imprisonment and deportation. And masters, owners and charterers of any vessel from which a prohibited immigrant enters the Commonwealth are subject to a penalty of £100 for each prohibited immigrant so entering the Commonwealth.

The Barton Government next grappled with the black problem—the Kanakas on the sugar plantations of Queensland. It was claimed that white men could not work in the terrible heat and under the other peculiarly trying conditions of the plantations, and that even if white labor could stand the strain, it would be so much more expensive that this great business, supplying one of Queensland's main products, would be ruined. The people of Australia, however, were determined to wipe out the black spot on their map. They will have a white Australia, cost what it may, so the Federal Parliament passed the Pacific Islands Laborers Act (1901) putting an end to all agreements with Kanaka workers after 1906. After January 1, 1907, the blacks must go. To protect the planters from ruin, a tariff of £6 per ton is put on foreign-grown sugar. The excise duty on sugar grown in Australia is only £3 and £2 of this is handed back to planters who use only white labor.

These two Commonwealth Acts and the New Zealand statutes of 1896 and 1899 above referred to constitute substantially the present immigration laws of Australasia.

This vigorous legislation for the preservation of civilization was not secured without opposition. Some capitalists desire cheap labor, regardless of social and political effects. Some economists also focus their gaze on cheap production and a low wage rate,<sup>2</sup>

<sup>2</sup> It is argued that the Chinese are very industrious and give the Colonists a large amount of valuable service for a small compensation. The statesmen of Australia and New Zealand reply that a man may be industrious and yet be dirty, miserly, ignorant, a shirker of social duty, a source of weakness in the civic life, and a danger to the public health. All these most of the Chinese immigrants are. Moreover, their low plane of living makes even their industry a curse instead of a benefit. The white workman is expected to be clean and comfortably dressed; to marry and have children; be well fed and clothed and educated; to have a home that will be a credit to the neighborhood; to read books, magazines and newspapers; take part in the social life of the community and give a reasonable amount of time and intelligent attention to public affairs. To accomplish this he must have short hours and good wages. But in

oblivious of the fact that manhood in the long run is the most potent factor in wealth production, as well as being itself the highest wealth, the most important product of an industrial system. Some humanitarians think it unjust and cruel to shut the door against a man because he is ignorant and penniless and undeveloped. And some, on religious grounds, regard the incoming of non-Christian masses as a providential facilitation of their propaganda. But the great majority of thoughtful persons regard the matter as a choice of evils, and believe it a lesser evil to limit the locomotion of the unfit than to imperil the civilization of the more progressive countries by an inundation of low-grade life.

A *family* does well to be careful about the sort of people it admits to daily contact and intimate association with its children. And a *nation* may wisely exercise a similar care. A flood of undesirable humanity is a much more serious problem than the importation of a mass of undesirable merchandise. The condition of the lower classes in the old world is pitiable, but even if they go in crowds to a new country, the space they leave soon fills up again with the same sort of social molecules or cells, and the principal effect is the degradation of the new country.<sup>3</sup>

Distance and cost have so far protected Australasia from any large amount of immigration from the lower classes of Italy, Hungary and Russia. But if such an inundation threatened, the disposition to prevent deterioration of the average citizenship and labor level is so strong that, no matter where it comes from, low-grade immigration is likely to be resisted by law.

Countries like New Zealand and some of the Australian States that aim to secure work for the unemployed and pay pensions to the aged poor, have special reason to exercise care in selecting those they take into partnership, and for whose well-being they become responsible. They claim the right to exclude from their association all new comers who do not seem calculated to make reasonably use-

many trades that do not require much intelligence, but only good staying qualities—something alive that can keep moving—a Chinaman without family, or social, or political interests, or even a stomach that calls for good food, can keep at work 16 hours a day and live on 8 or 10 cents' worth of rice in two meals a day, and be as fresh in the 16th hour as he was the first. His competition is unfair. He degrades the standard of living. He comes only to extract what he can from the colony and take it back to China. After scraping up two or three thousand dollars he goes home. At one time the returning Chinese were taking an average of more than a million dollars a year from the Australian Colonies.

<sup>3</sup> The idea of excluding the products of low grade labor abroad by a tariff wall while admitting the low grade labor itself, is one of the absurdities of a politico-economic philosophy that carefully guards merchandise and profit but leaves the wage level open to attack.

ful members of it; the right to keep their soil for men fit to be free and self-governing; the right to prevent the lowering of their standard of life.

The effectiveness of the laws now in force is unquestioned. The Chinese in Australia and New Zealand fell from 42,521 in 1891 to 34,638 at the census of 1901. The strength of the recent Australian statutes and the vigor of the Government's policy are well shown in the speech of Mr. Deakin, Premier of the Commonwealth, at Ballarat, October 29, 1903. Discussing the question of a white Australia, the Premier said:

"In this theatre, two and a half years ago, I laid special stress upon the white Australia policy of the Government. After that there was a fierce conflict in Parliament as to whether the means we proposed to exclude the undesirable and colored aliens would suffice. There were those who wished that on the face of the statute the prohibition against them should appear in so many words. We believed that we studied Australian interests, and also lessened the difficulties of the mother country, if, instead of saying in so many words they should be excluded, we placed in the hands of the Government an educational test which could be applied so as to shut out all undesirables. We have had two years' experience of the working of our test, and it has worked well. You have seen from time to time how few have managed to survive it. The returns for the last nine months show that 31,000 persons entered Australia from over sea, 28,000 being Europeans. Of the remainder, many of the colored persons came to Australia to engage on pearling vessels. The arrangement we have made is that they land only to sign their articles. A guarantee is taken from those who bring them that, when their time is up, they shall leave the country. By this means they never really enter Australia. They merely fish in our waters or just outside them. I find that out of 408 Japanese who came to Australia, 374 went at once to the pearling vessels; 11 others had been in Australia before, and were entitled to return; while one deserted and managed to escape our clutches. Of 406 Malays who came to Australia to engage in the pearling trade, only one was entitled to enter the country, and again we had one deserter. While of the 73 Papuans who came over to assist in pearling, none deserted, and all will return. To come to the persons who, either under the State law or since, have secured domicile in Australia, the return shows that 2,571 colored persons entered the Commonwealth during the nine months, of whom 2,561 entered under the authority of the law. There were only 10 to whom we could not or did not apply the test. Besides these there were 785 Pacific Islanders, who came in under permits, which cease on March 31st next, after which no Kanaka is authorized to be brought into Australia. While 785 came in, 978 went out. There were 755 Chinese entered the Commonwealth, while 1,456 went out. Altogether 3,172 colored people left Australia. The alien colored population is being steadily reduced.

"Now, as to the test. Of course, this is not much applied, because ship-owners

know that if they bring colored aliens to this country who are not legally entitled to land, they will have the pleasure of taking them back to their native land. During the nine months 121 such immigrants presented themselves; 9 only got through. Out of these, two were entitled to do so because they simply came from Ceylon to purchase horses, and of the others I found that five were probably colored sailors who deserted from one ship and enlisted on another. I don't think that during the next nine months even nine are likely to enter. You probably believe that a white Australia is secure. I hope it is, but it won't be secure unless a vigilant watch is kept upon proposals to tamper with it. None of a serious character have been put forward by anybody in a responsible position, but there are indications that we may have to defend the principle yet. So far as this Government is concerned it will be ready for the emergency. A white Australia does not by any means mean only the preservation of the complexion of the people of this country. It means the multiplying of their homes, so that we may be able to occupy, use and defend every part of our continent; it means the maintenance of conditions of life fit for white men and white women; it means equal laws and opportunities for all; it means protection against the underpaid labor of other lands; it means social justice so far as we can establish it, including just trading and the payment of fair wages. A white Australia means a civilization whose foundations are built upon healthy lives, lived in honest toil, under circumstances which imply no degradation. Fiscally a white Australia means protection. We protect ourselves against armed aggression, why not against aggression by commercial means? We protect ourselves against undesirable colored aliens, why not against the products of the undesirable alien labor? A white Australia is not a mere sentiment; it is a reasoned policy which goes down to the roots of national life, and by which the whole of our social, industrial and political organization is governed."<sup>4</sup>

<sup>4</sup>For further information, see the Report of the Royal Commission on Alien Immigration, London, 1903; the Parliamentary debates of the various Colonies and of the Commonwealth, for the years indicated by the dates of the laws mentioned in the text, especially Mr. Barton's Speeches, pp. 3497 and 5492 of the *Australian Hansard*; "A White Australia," by Sir H. Tozer, *Empire Review*, Nov. 1901; the *Australian Review of Reviews* and the columns of Australian newspapers, especially the *Sydney Bulletin* for 1901; "Australia From Another Point of View," *Macmillan's Magazine*, March 1890; "The Chinese in Australia," *Quarterly Review*, July 1888; "Chinese Exclusion in Australia," by H. H. Lusk, *North American Review*, March and April 1902; "Chinese Problem in Australasia," by C. A. Barnecoat, *Imperial and Colonial Magazine*, April 1901; "Exclusion of Aliens and Undesirables," by W. P. Reeves, *National Review*, Dec. 1901; "Australian Immigration," by J. Henniker Heaton, *Leisure Hour*, July 1901; "Australia for the White Man," by Gilbert Parker, *Nineteenth Century*, May 1901; Reeves' "State Experiments in Australia and New Zealand; Dilke's "Problems of Great Britain;" Correspondence Relating to Chinese Immigration into the Australasian Colonies, English Parliamentary Papers, July 1888; and Proceedings of a Conference between the Colonial Secretary (Rt. Hon. Jos. Chamberlain) and the Premiers of the Self-Governing Colonies, English Parliamentary Papers, 1897.